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**UTAH LABOR COMMISSION**

**CARLTON E. BILES,**

**Petitioner,**

**vs.**

**C. R. ENGLAND and XL SPECIALTY  
INSURANCE COMPANY,**

**Respondents.**

**ORDER AFFIRMING  
ALJ'S DECISION**

**Case No. 06-0790**

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Carlton E. Biles asks the Utah Labor Commission to review Administrative Law Judge Hann's dismissal of his claim for benefits under the Utah Workers' Compensation Act, Title 34A, Chapter 2, Utah Code Annotated.

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Annotated § 63G-4-301 and § 34A-2-801(3).

**BACKGROUND AND ISSUE PRESENTED**

On August 28, 2006, Mr. Biles filed an application for hearing seeking additional benefits from C. R. England and its workers compensation insurance carrier, XL Specialty Insurance Co., (referred to jointly as "England"). On December 12, 2006, Judge Hann dismissed Mr. Biles' application on the grounds that he and England had already resolved this matter in a settlement agreement Judge Hann had approved on June 13, 2006.

Mr. Biles now asks the Commission to reverse Judge Hann's decision and set aside his settlement agreement with England. Mr. Biles argues he did not understand the agreement when he signed it and felt pressure from England's insurance adjustor and attorney to sign the agreement.

**DISCUSSION AND CONCLUSION OF LAW**

Section 34A-2-420 of the Utah Workers' Compensation Act permits parties to agree to full and final compromise settlements of disputed workers' compensation claims, subject to Commission approval of such settlements. Mr. Biles and England availed themselves of this settlement authority when they agreed to a full and final settlement of Mr. Biles' claim. The parties' settlement was duly approved by Judge Hann.

Although Mr. Biles argues that the settlement agreement was not explained to him, the agreement is reasonably plain on its face and clearly informed Mr. Biles that, by signing the agreement, he was accepting the payments provided by the agreement instead of going forward with his claim for workers' compensation benefits. The Commission also notes that England disputed

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Mr. Biles' right to receive any benefits. Consequently, had Mr. Biles proceeded with his claim, he might not have received any benefits. Under these circumstances, the Commission concludes that Mr. Biles made a reasoned decision to accept the settlement and give up his potential entitlement to workers' compensation benefits.

**ORDER**

The Commission affirms Judge Hann's dismissal of Mr. Biles claim for additional workers compensation benefits. It is so ordered.

Dated this 25<sup>th</sup> day of September, 2008.

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Sherrie Hayashi  
Utah Labor Commissioner

**NOTICE OF APPEAL RIGHTS**

Any party may ask the Labor Commission to reconsider this Order. Any such request for reconsideration must be received by the Labor Commission within 20 days of the date of this order. Alternatively, any party may appeal this order to the Utah Court of Appeals by filing a petition for review with the court. Any such petition for review must be received by the court within 30 days of the date of this order.